

Remarks

The Office Action mailed November 7, 2006, and made final, and the Advisory Action mailed January 26, 2007, have been carefully reviewed and the foregoing amendments have been made in consequence thereof. The present amendment is submitted with a Request for Continued Examination (RCE) and is timely filed.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1, 9, and 15 have been amended. No new matter has been added.

The rejection of Claims 1-20 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

Claim 1 has been amended to recite "wherein the at least one suggestion is sortable based on the categories of the production process." Applicants submit that Claim 1, as amended, satisfies the requirements of Section 112.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise satisfy the requirements of Section 112.

Claim 9 has been amended to recite "wherein the at least one suggestion is sortable based on the categories of the production process." Applicants submit that Claim 9, as amended, satisfies the requirements of Section 112.

Claims 10-14 depend from independent Claim 9. When the recitations of Claims 10-14 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-14 likewise satisfy the requirements of Section 112.

Claim 15 has been amended to recite "wherein the at least one suggestion is sortable to the plurality of users based on the categories of the production process." Applicants submit that Claim 15, as amended, satisfies the requirements of Section 112.

Claims 16-20 depend from independent Claim 15. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-20 likewise satisfy the requirements of Section 112.

Accordingly, Applicants respectfully request that the Section 112 rejection of Claims 1-20 be withdrawn.

The rejection of Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Powers et al. (U.S. Pat. No. 6,604,084) ("Powers") in view of Suzuki et al. (U.S. Pat. No. 6,625,511) ("Suzuki") is respectfully traversed.

Powers describes an evaluation system 10 wherein a user obtains a question table 150 which includes a questionnaire regarding a member 180. The user answers questions on the question table 150 to evaluate the member 180. The user's responses to the questions are tabulated to produce a quality score 192 and a productivity score 202 for the member 180 for member evaluation. A chart 46 displays textual information to determine overall member performance and to identify ways to improve the member's performance. A filter table 94 stores filters for sorting data and displaying results in reports 44 and charts 46. Notably, Powers does not describe nor suggest displaying at least one suggestion for improving the performance of the desired manufacturing function, wherein at least one suggestion is sortable by the users based on the categories of the production process, and wherein at least one suggestion is based on the received information in the form of answers to respective questions.

Suzuki describes a method for evaluating a quality of a manufacturing workshop that includes storing a plurality of query items 75 and answer alternatives 76 in a database 4. To perform the evaluation, an evaluator selects an answer alternative 76 for each query item 75. A screen image output is provided that includes workshop improvement points 88a, a short-term measures plan 88b, and a long-term measures plan 88c. Notably, Suzuki does not describe nor suggest sorting the improvement points based on a particular area of manufacture. Specifically, Suzuki does not describe nor suggest displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is sortable by the users based on the categories of the production process, and

wherein at least one suggestion is based on the received information in the form of answers to respective questions.

Applicants respectfully submit that the Section 103 rejection of presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to combine Suzuki with Powers, or vice versa. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant.” In re Kotzab, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, as is well established, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. See In re Gordon, 221 USPQ2d 1125 (Fed. Cir. 1984). Furthermore, the Federal Circuit has determined that:

[i]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” In re Fitch, 23 USPQ2d 1780, 1780 (Fed. Cir. 1992).

In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, “it is impermissible ... to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants’ disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants’ disclosure. In re Vaeck, 20 USPQ2d 1438 (Fed. Cir. 1991). In the present case, neither a

suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Accordingly, since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-20 be withdrawn.

In addition, no combination of Powers and Suzuki describes or suggests the claimed invention. Specifically, Claim 1 recites a system for evaluating process performance, wherein the system comprises "a server connected to said device and configured to receive process production capability information data using a computer, from a user via said device, said server further configured to . . . compare the received information in the form of answers to respective questions, to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . display the results of the compared information to the user via said device wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . and display at least one suggestion for improving performance of the desired manufacturing function, wherein the at least one suggestion is sortable based on the categories of the production process, and wherein the at least one suggestion is based on the received information in the form of answers to respective questions."

Neither Powers nor Suzuki, considered alone or in combination, describe or suggest a system for evaluating process performance as is recited in Claim 1. More specifically, neither Powers nor Suzuki, considered alone or in combination, describe or suggest a system for evaluating process performance that includes a server configured to display at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is sortable based on the categories of the production process, and wherein at least one suggestion is based on the received information in the form of answers to respective questions. Rather, in contrast, Powers describes an employee evaluation that displays a chart

with textual information to determine overall member performance and to identify ways to improve the member's performance, and Suzuki describes a screen image output that includes workshop improvement points, a short-term measures plan, and a long-term measures plan. However, neither Powers nor Suzuki, considered alone or in combination, describe or suggest displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is based on the received information in the form of answers to respective questions. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Powers in view of Suzuki.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Powers in view of Suzuki.

Claim 9 recites a method for evaluating performance capabilities of a production process by operating a system including a server and at least one device connected to the server, wherein the method comprises "determining evaluation area categories based on an evaluation of the production performance capabilities of at least one of the process and a part being evaluated . . . receiving, using a computer, information relevant to the capabilities of the production process within the evaluation categories . . . comparing the received information in the form of answers to respective questions, to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . displaying the results to the user via the device wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . and displaying at least one suggestion for improving performance of the desired manufacturing function, wherein the at least one suggestion is sortable based on the categories of the production process, and wherein the at least one suggestion is based on the received information in the form of answers to respective questions."

Neither Powers nor Suzuki, considered alone or in combination, describe or suggest a method for evaluating performance capabilities of a production process by operating a system as is recited in Claim 9. More specifically, neither Powers nor Suzuki, considered alone or in

combination, describe or suggest a method that includes displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is sortable based on the categories of the production process, and wherein at least one suggestion is based on the received information in the form of answers to respective questions. Rather, in contrast, Powers describes an employee evaluation that displays a chart with textual information to determine overall member performance and to identify ways to improve the member's performance, and Suzuki describes a screen image output that includes workshop improvement points, a short-term measures plan, and a long-term measures plan. However, neither Powers nor Suzuki, considered alone or in combination, describe or suggest displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is based on the received information in the form of answers to respective questions. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Powers in view of Suzuki.

Claims 10-14 depend from independent Claim 9. When the recitations of Claims 10-14 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-14 likewise are patentable over Powers in view of Suzuki.

Claim 15 recites a method for evaluating performance of a production process using a network connecting a plurality of users, the network including a server and a plurality of user display devices, the method including, "receiving, from the users using a computer, information concerning evaluation categories relevant to the production process . . . assigning each evaluation category at least one weighted factor that normalizes the received information with respect to a relative contribution to a process capability improvement of the received information . . . evaluating the received information in the form of answers to respective questions, in comparison to reference information in the form of answers to questions developed to encompass an expected range of answers from the users responding to the questions, wherein each question is related to at least one category of the production process . . . displaying the results to the users wherein the results include a numerical score representing a relative capability of the process being evaluated to perform a desired manufacturing function . . . and displaying at least one suggestion for improving performance of the desired manufacturing function, wherein the at least one suggestion is sortable to the

plurality of users based on the categories of the production process, and wherein the at least one suggestion is based on the received information in the form of answers to respective questions.”

Neither Powers nor Suzuki, considered alone or in combination, describe or suggest a method for evaluating performance of a production process using a network connecting a plurality of users, as is recited in Claim 15. More specifically, neither Powers nor Suzuki, considered alone or in combination, describe or suggest a method that includes displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is sortable to the plurality of users based on the categories of the production process, and wherein at least one suggestion is based on the received information in the form of answers to respective questions. Rather, in contrast, Powers describes an employee evaluation that displays a chart with textual information to determine overall member performance and to identify ways to improve the member’s performance, and Suzuki describes a screen image output that includes workshop improvement points, a short-term measures plan, and a long-term measures plan. However, neither Powers nor Suzuki, considered alone or in combination, describe or suggest displaying at least one suggestion for improving performance of the desired manufacturing function, wherein at least one suggestion is based on the received information in the form of answers to respective questions. Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Powers in view of Suzuki.

Claims 16-20 depend from independent Claim 15. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-20 likewise are patentable over Powers in view of Suzuki.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-20 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser, III', written over a horizontal line.

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